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U.S. DISTRICT COURT
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DEBBIE J. CONNELL, Individually and For all other similarly situated,	§	
	§	
	§	
	§	
	§	**CIVIL ACTION NO.** 2:06cv227 ~~6:06cv254~~
VS.	§	**JURY DEMAND**
	§	
	§	
	§	
EASTMAN CHEMICAL COMPANY	§	
A Delaware Corporation	§	

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

INTRODUCTION

1. Pursuant to 29 USC § 207 ("FLSA"), the above-named Plaintiff as hourly, non-exempt employees allege violations of her statutory employment right to receive pay for all compensable time worked and overtime for Defendant, Eastman Chemical Company. Pursuant to 29 USC § 216(b), the named Plaintiff also seeks to represent all other similarly situated past and present employees, as described herein, who have not been paid for all compensable time worked and overtime and to have this action certified as a collective action. For herself and all those similarly situated, the named employee seeks her unpaid hours worked, unpaid overtime, liquidated damages, all available equitable relief, attorney fees, and litigation expenses/costs, including expert witness fees and expenses.

PARTIES

2. Plaintiffs, Debbie J. Connell is an individual residing in Gregg County, Texas. The Plaintiff brings this action individually on her own behalf and, pursuant to 29 U.S.C. §216(b), as

representatives of a class of individuals who are similarly situated and who have suffered the same or similar damages.

3. Defendant, Eastman Chemical Company has continuously been and is doing business in the city of Longview, Harrison County, Texas. Defendant's registered agent for service is Corporation Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701, where process may be forwarded.

JURISDICTION AND VENUE

4. This court has jurisdiction by virtue of 28 U.S.C. §1331. The Defendant's home office is located within the Eastern District of Texas and the Court has subject matter jurisdiction and personal jurisdiction to hear the case. *See* 29 U.S.C. 201, et seq. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §1391 because the Eastern District is a judicial district where Eastman 'resides' (as a corporation) and also because a substantial part of the events or omissions giving rise to the claims have occurred within the Eastern District.

FACTS

5. In 1989, Plaintiff began her employment at Eastman Chemical Company's facility located in Longview, Texas. Her job required that she put on or "don" protective clothing in preparation for her performance of her duties as an operator. At the end of her shift, Plaintiff was required to take off or "doff" the same protective clothing. The evidence at trial will show that Plaintiff was not compensated for the time spent in "donning" and "doffing" the protective ~~and sanitary~~ clothing mentioned above. In addition, Plaintiff alleges that she was not paid overtime wages at one and one-half times her regular hourly rate for all hours worked in excess of 40 hours in a work week.

6. The uncompensated work time in question constituted principal activities integral and indispensable to the performance of Plaintiff's jobs as required by Eastman Chemical Company and performed by Plaintiff prior to the scheduled start and after the scheduled end of her shifts. This includes time spent working in proceeding through security and metal detection devices prior to and upon entry to the workplace, walking/traveling to the designated locker room area to change into safety related uniforms and work clothes required by Eastman Chemical Company to be worn while working and which cannot be taken off the premises, changing into the company owned safety related uniforms and work clothes, and walking/traveling from the designated locker room area to their work area. This uncompensated work time also includes time spent after the scheduled end of her shift in proceeding through security and metal detection devises strictly and solely for the benefit of the employer Eastman Chemical Company before being allowed to exit the workplace. The work time spent by the Plaintiffs in engaging in the aforesaid activities was not compensated in violation of the aforesaid federal statutes.

7. Plaintiff regularly and consistently worked more than 40 hours per week with the knowledge of Eastman Chemical Company for the work activities described herein and for which Eastman Chemical Company did not pay Plaintiff for such time. Defendant has willfully engaged in a pattern, practice, and policy of unlawful conduct by failing to pay the lawful and required overtime rate for hours worked beyond forty (40) per week to employees in the United States in violation of the FLSA statutes referenced herein.

8. Finally, Plaintiff claims that she was not paid the correct hourly rate or that her wages were not calculated properly.

9. Plaintiffs believe and, therefore, allege that the failure of Eastman Chemical Company to correctly pay Plaintiff for all compensable time spent in furtherance of Eastman Chemical Company business was intentional.

CLAIMS

10. The Fair Labor Standards Act (29 U.S.C. § 201, *et seq.*) is commonly referred to as "FSLA." Among other things, the FSLA statutes and the regulations promulgated thereunder govern the activities of the pay practices of employers involved in commerce. Plaintiff alleges that the failure to pay Plaintiff for all hours worked is a direct violation of the FLSA statutes and regulations. Additionally, Plaintiff alleges that the failure to pay Plaintiff one and one-half her regular rate for all hours worked in excess of 40 hours in a work week is a direct violation of the FLSA statutes and regulations. Plaintiff is entitled to receive the unpaid wages due her, liquidated damages, costs, and attorneys' fees.

COLLECTIVE ACTION

11. Pursuant to 29 U.S.C. § 216(b) Debbie Connell also brings this action as a collective action. Mrs. Connell is a representative of a class of employees of Eastman Chemical Company, who were not paid for all hours worked for Eastman Chemical Company as described herein. Plaintiff has actual knowledge that there are numerous employees who were not paid for all hours worked for Eastman Chemical Company as described herein.

12. All, or virtually all, of the legal and factual issues that will arise in litigating the class claims will be common to the class members and the named plaintiff. These issues include: uncompensated work time in question constituted principal activities integral and indispensable to the performance of Plaintiff's jobs as required by Eastman Chemical Company and performed by Plaintiff prior to the scheduled start and after the scheduled end of their shifts. These issues

also include: time spent working in proceeding through security devices prior to and upon entry to the workplace, walking/traveling to the designated locker room area to change into safety related uniforms and work clothes required by Eastman Chemical Company to be worn while working and which cannot be taken off the premises, changing into the company owned safety related uniforms and work clothes, and walking/traveling from the designated locker room area to their work area. This uncompensated work time also includes time spent after the scheduled end of their shift in proceeding through security and metal detection devices strictly and solely for the benefit of the employer Eastman Chemical Company before being allowed to exit the workplace. For the last several years, Eastman Chemical Company has employed hundreds of employees in Longview, Texas.

13. The questions of law and fact are common to the class. The failure to pay its employees for the compensable time spent in furtherance of Eastman Chemical Company's business was common to all hourly employees at the Eastman Chemical Company plants in Longview, Texas The Plaintiff's claims arise from the same course of conduct.

14. Plaintiffs, Debbie Connell requests that she be permitted to serve as a representative of the affected class, and this action should be certified as a collective action.

JURY DEMAND

15. Plaintiff, individually and as a representatives of the class, requests a jury trial.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the case be certified as a collective action and that the Plaintiff and each member of the class recover from Eastman Chemical Company, the following:

1. The unpaid wages due to Plaintiff;

2. Liquidated damages authorized by the applicable statutes;

3. Injunctive relief as ordered by the Court;

4. Unpaid wages due to all class members;

5. Liquidated damages to all class members;

6. Court costs;

7. Attorneys' fees; and

8. Such other and further relief as the Court deems just.

Respectfully submitted,

William S. Hommel, Jr.
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ATTORNEY FOR PLAINTIFF

CONSENT FORM

I, *(printed name)* Debbie J. Connell, am a current/former (circle one) employee of Eastman Chemical Company or one of its subsidiary or predecessor companies (collectively "Eastman"). I believe my employer has violated the Fair Labor Standards Act regarding overtime pay. I wish to be included as a party in the pay claims being asserted by current and former Eastman employees against Eastman. I hereby give consent to my attorney, William S. Hommel, Jr. or such other representatives as they may designate, to bring suit against Eastman on my behalf under the Fair Labor Standards Act.

______________________ Signature

5-19-06 Date

Client
Position